



Crl.O.P.Nos.21845 & 22030 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.Nos.21845 and 22030 of 2022

Kiranraj ... Petitioner in Crl.O.P.No.21845 of 2022

S.Palani ... Petitioner in Crl.O.P.No.22030 of 2022

Vs.

The State represented by,
The Station House Officer,
Ariyankuppam Police Station,
Pondicherry State.

Crime No.62 of 2022 ... Respondent in both Crl.O.Ps'

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail pending investigation in Crime No.62 of 2022 on the file of the respondent police.

For Petitioner	: Mr.M.Dinesh
in Crl.O.P.No.21845 of 2022	
For Petitioner	: Mr.A.Prakash
in Crl.O.P.No.22030 of 2022	
For Respondent	: Mr.V.Balamurugane
in both Crl.O.Ps '	Public Prosecutor, Puducherry.



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody for the offences punishable under Sections 120(B), 147, 148, 449, 452, 302 of IPC r/w Section 149 of IPC, in Crime No.62 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity between two gangs, the petitioners along with the other accused formed an unlawful assembly and trespassed into the house of the defacto complainant and committed the murder of the deceased. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case, since the petitioners happened to be the friends of the other accused. He would also submit that the petitioners have been implicated based on the mistaken identity and that they are in custody and the co-accused in this case, who have been similarly placed accused, have been granted bail by the Sessions Court in Crl.M.P.No.2470 of 2022 dated 07.09.2022. He would



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further submit that the investigation in this case is over and the final report has also been filed before the concerned Court. He would also submit that the petitioners do not have any previous case as against them. Therefore, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor, Puducherry appearing for the respondent would submit that the petitioners due to gang rivalry brutally assaulted the victim with Aruval and committed the murder. He would also submit that the petitioners belong to rival gang and earlier, there were two attempts to kill the victim, one during the year 2016 and subsequently, another attempt during the year 2022 and this is a third attempt and they have committed the murder of the victim. He would further submit that there are specific overt acts as against the petitioners that they have inflicted injuries on the deceased. He would further submit that the investigation in this case has been completed and the final report has also been filed before the concerned committal Court and it is yet to be taken on file. He would also admit that the co-accused have been granted bail and they have been directed to appear before the concerned Jurisdiction Magistrate.



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However, he vehemently opposed to grant bail to the petitioners.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the fact that the other accused have been granted bail and the period of incarceration suffered by the petitioners and also that the investigation has been completed and the final report has also been filed before the concerned committal Court, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-III, Pondicherry** and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the learned Judicial Magistrate-III, Pondicherry daily at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

13.09.2022

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A.D.JAGADISH CHANDIRA., J.

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To

1. The Judicial Magistrate-III, Pondicherry.
2. The Inspector of Police,
Ariyankuppam Police Station,
Pondicherry State.
3. The Superintendent,
Central Prison,
Pondicherry.
4. The Public Prosecutor,
High Court of Madras.

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